

ENTERED

August 05, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRANAUN GALENTINE,	§	CIVIL ACTION No
Plaintiff,	§	4:25-cv-00050
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
CITY OF COLLEGE	§	
STATION, <i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Branaun Galentine is represented in this action by counsel, even though the record makes it appear to be more akin to representation *pro se*.

Plaintiff brings this action against Defendants City of College Station, Brazos County, Chief Billy Couch, Sheriff Wayne Dicky and Officer F/N/U Stadler. Dkt 16. He asserts claims against them for malicious prosecution, false imprisonment, unlawful seizure under the Fourth Amendment, retaliation, and “Equal Protection and Conspiracy to Obstruct Justice.” Id at 9. He seeks damages, injunctive relief, attorney fees, and costs. Id at 9–11.

The record reflects that Plaintiff also previously stated claims against the City of Bryan and Officer John Alger, but they were voluntarily dismissed. See Dkts 24 & 28. Plaintiff also sought to add Rodney E. Sigler in his Second Amended Complaint. See Dkt 26. But that filing was stricken for being filed without leave of Court or agreement of counsel. See Dkts 26 & 27; see also Dkt 32 at 2 n 5.

The matter was referred for disposition to Magistrate Judge Dena Hanovice Palermo. Dkt 13. Defendant Brazos

County filed a motion to dismiss under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Dkt 20. Defendants City of College Station and Couch filed a motion to dismiss on the same grounds. Dkt 25. Plaintiff responded to the motion by the City of College Station and Couch. Dkt 29. But he failed to respond to that of Brazos County. Judge Palermo ordered him to file a response by July 1, 2025. Dkt 30 at 2. He failed to do so. Judge Palermo also ordered Plaintiff to file proof of service as to Defendants Dicky and Stadler. Dkts 30 at 2–3; see FRCP 4(l). He again failed to do so.

Judge Palermo issued a Memorandum and Recommendation on July 10, 2025, in which she recommended that the case be dismissed as against Brazos County, Stadler, and Dicky for failure to prosecute under Rule 41(b). Dkt 32.

Judge Palermo also filed a second Memorandum and Recommendation on July 22, 2025, recommending that the motion to dismiss by the City of College Station and Couch be granted on the merits. Dkt 34.

Plaintiff filed an objection addressing both rulings. Dkt 36.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

The Memoranda and Recommendations are clear, thorough, and reasoned, while addressing all arguments raised or properly at issue. To the extent that Plaintiff has objected, upon *de novo* review, no error appears on any asserted point. No clear error otherwise appears upon

review and consideration of the Memoranda and Recommendations, the record, and the applicable law.

The objections filed by Plaintiff Branaun Galentine to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 36.

The Memoranda and Recommendations of the Magistrate Judge are ADOPTED as the Memorandum and Order of this Court. Dkts 32 & 34.

The claims asserted against Defendants Brazos County, Sheriff Wayne Dicky, and Officer F/N/U Stadler are DISMISSED WITH PREJUDICE pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.


The motion by Defendants City of College Station and Chief Billy Couch to dismiss the action as against them is GRANTED. Dkt 25. The claims against them are DISMISSED WITH PREJUDICE.

All Defendants in this action having now been dismissed, this civil action is DISMISSED WITH PREJUDICE.

A FINAL JUDGMENT will enter separately.

SO ORDERED.

Signed on August 4, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge